

85th Legislative Session – 2010

Committee: Senate Judiciary

Thursday, February 04, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Gillespie
P Heidepriem
P Schmidt
P Tieszen, Vice-Chair
P Turbak Berry
P Vehle
P Abdallah, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Gene G. Abdallah, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 2, 2010

Moved by: Schmidt
Second by: Tieszen
Action: Prevailed by voice vote.

SB 12: provide for a tiered sex offender registry and to establish certain criteria for eligibility to petition for removal or reassignment.

Reuben Bezpaltez, Legislative Research Council presented information on possible amendments to the previously adopted amendment 12rb.

MOTION: AMEND THE PREVIOUSLY ADOPTED AMENDMENT 12rb

12rd

On the previously adopted amendment (12rb), in Section 4, after the first sentence, insert "However, no person is a recidivist sex offender unless the person committed the second sex crime after having been convicted or adjudicated of a previous sex crime."

Answered committee questions: Marty Jackley, Attorney General

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: AMEND THE PREVIOUSLY ADOPTED AMENDMENT 12rb

12re

On the previously adopted amendment (12rb), in Section 1, subdivision (5), overstrike "completely and truthfully" and insert "substantially".

On the previously adopted amendment (12rb), in Section 1, subdivision (5), after "complied" insert "in good faith".

Proponents: Marty Jackley, Attorney General

Moved by: Gillespie
Second by: Turbak Berry
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: AMEND THE PREVIOUSLY ADOPTED AMENDMENT 12rb

12rh

On the previously adopted amendment (12rb), in Section 3, delete "and is thus ineligible for removal from the registry for life".

On the previously adopted amendment (12rb), after Section 6, insert a new section as follows:

" Section 7. That chapter 22-24B be amended by adding thereto a NEW SECTION to read as follows:

The sex offender registry shall consist of three tiers as provided for in this Act. Placement in Tier III requires registrants to register throughout their lifetime. Placement in Tier II requires registrants to register for a minimum of twenty-five years. Placement in Tier I requires registrants to register for a minimum of ten years."

Moved by: Tieszen
Second by: Gillespie
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Gillespie, Heidepriem, Schmidt, Tieszen, Turbak Berry, Vehle, Abdallah

MOTION: AMEND THE PREVIOUSLY ADOPTED AMENDMENT 12rb

12rm

On the previously adopted amendment (12rb), in Section 1, subdivision (2)(a), overstrike "twenty-one" and insert "twenty-five".

On the previously adopted amendment (12rb), in Section 1, subdivision (2)(c), delete "twenty-one" and insert "twenty-five".

Proponents: Cheri Scharffenberg, SD Assn. Of Criminal Defense Lawyers
Opponents: Marty Jackley, Attorney General
Paul Bachand, SD State's Attorneys Association

Moved by: Turbak Berry
Second by: Tieszen
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Heidepriem, Tieszen, Turbak Berry, Vehle

Voting No: Gillespie, Schmidt, Abdallah

MOTION: MOVED THAT THE VOTE BY WHICH AMENDMENT 12rm WAS ADOPTED BE RESCINDED

Moved by: Vehle
Second by: Heidepriem
Action: Prevailed by voice vote.

MOTION: AMEND THE PREVIOUSLY ADOPTED AMENDMENT 12rb

12rm

On the previously adopted amendment (12rb), in Section 1, subdivision (2)(a), overstrike "twenty-one" and insert "twenty-five".

On the previously adopted amendment (12rb), in Section 1, subdivision (2)(c), delete "twenty-one" and insert "twenty-five".

Moved by: Turbak Berry
Second by: Tieszen
Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Heidepriem, Tieszen, Turbak Berry

Voting No: Gillespie, Schmidt, Vehle, Abdallah

MOTION: AMEND THE PREVIOUSLY ADOPTED AMENDMENT 12rb

12rj

On the previously adopted amendment (12rb), in Section 2, subdivision (2)(b), after ";" insert "or (c) Bestiality as set forth in § 22-22-42;".

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Heidepriem, Tieszen, Turbak Berry, Vehle

Voting No: Gillespie, Schmidt, Abdallah

MOTION: ADJOURN

Moved by: Gillespie
Second by: Turbak Berry
Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Gene G. Abdallah, Chair